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**From:** Jane Anderson  
**Sent:** Wednesday, 25 February 2015 4:49 PM  
**To:** redress  
**Cc:** Robert E Mackay  
**Subject:** Response to the Royal Commission Consultation Paper on Redress Schemes

**Categories:** Blue Category

Dear Commissioners,

I wish to support the Response to the Royal Commission Consultation Paper on Redress Schemes submitted recently by Robert Mackay (see document history: Version17.02.2015).

I would also like to add the following insights and comments about the importance of including a restorative agenda.

This plea is informed by my own experience of exploring the restorative option for child sexual abuse, which has its origins in my private session with the Royal Commission (December 2013). During that session, mentioned was made by Commissioner Murray about a possible redress scheme to which I responded and later reiterated in my article, *Restorative justice beyond the Royal Commission*.<sup>[1]</sup> The following is an excerpt from that article,

*First I want to say that we are very well served by a judicial system in our democracy which takes seriously the sexual crimes against the most vulnerable. ... While I do not in any way want to undermine the judicial system, I would like to offer some alternative thinking. The judiciary is, in effect, a hierarchy. A victim can find comfort in that powerful system. Justice can be delivered for crimes committed. But at the end of the proceedings, the victim is still a victim. One's status has not changed. As for the perpetrator, that label will probably remain with them for the rest of their life, and even after death.*

*While those labels may well describe those involved, I am worried that at some point they become stereotypes. People are categorised by them in perpetuity. In this system, there is no closure for either the victim or the perpetrator. And what is further communicated is that sexual abuse is the sum total of a person's life.*

*Are there other ways? I think one possibility is that of restorative justice. This approach might be a way for some, not all, and it should not be looked upon as mitigating criminality. But restorative justice might provide an opportunity to recalibrate the experience of sexual abuse. With the facilitation of a skilled mediator, the victim and the [related or unrelated] perpetrator have the opportunity to evaluate the assault/s and its consequences. In this approach, the mere fact of the 'victim' no longer being in a subordinate position to the 'perpetrator' reconfigures their relationship.*

*Further, both the 'victim' and the 'perpetrator' are compelled to find within themselves the motivation and ability to deal with what has happened. If this process is carried out skilfully and compassionately, and the two individuals are able and open to the challenge of this encounter, then this surely must contribute to personal [as well as relational and social] development. Prior experiences including memories and images, feeling and thoughts, are reassessed. The previous understanding is now replaced with a new understanding of what has happened.*

*In effect, there is a possibility that the 'victim' can be re-empowered, which is certainly a contradiction to what happened during the assault/s. Likewise, the 'perpetrator' can reappropriate*

*their crime, dependent on their ability to make some tough decisions. There are no guarantees, but restorative justice has the potential to change one's understanding of self and the meaning of life. For some, that may mean closure. One can move on with one's life, because an empowered (and courageous) individual is more than the sum of a crime.*

*...There is much more thinking to be done on how we as a society might interrupt this crime of sexual abuse. ... In addressing these crimes, surely it is a goal for which all could aspire, and one to which the Royal Commission brings us a little closer.*

My private session proved to be a catalyst for me both personally and professionally. I was subsequently invited to participate in the *Sycamore Tree Project*, an intensive 8 week restorative justice program conducted in prisons between victims of crime and unrelated offenders. Put simply, and from the perspective of me as the victim, the opportunity to recount what happened during and after sexual abuse in this particular environment enabled me to re-craft my narrative. I can now truly say that that my story no longer controls me; I now control that story. For example, I am amazed how confident I am now with people. That experience has enabled me to navigate relationships in ways that would not have been previously possible. It is as though the veil of harm has been lifted. One other insight I gained from my involvement was that, at times, a victim's story and an offender's story can be the two sides of the same coin of suffering. In short, I recognised that the pain and anguish that results from abuse is not just psychological but also sociological. There are fundamental personal and social connections that are ruptured during these criminal acts. I have since updated my ideas about what constitutes rehabilitation: a wounded person is not only to plumb the depths of self to find healing but also to strive with others in a collective search for better ways to relate to each other.

From a professional perspective, and amidst completing my postdoctoral study on the relationship between Roman Catholicism and secular society,<sup>[2]</sup> I began exploring restorative justice as a model of rehabilitation. I was invited to write an article on clerical offenders for a special edition of *Australian Feminist Studies*, a peer-reviewed academic journal.<sup>[3]</sup> In my article, titled, *Comprehending and Rehabilitating Roman Catholic Clerical Offenders of Child Sexual Abuse*," I concluded, *inter alia*, that,

*... remediation is not to be confined to the individual offender, ... there are also social bonds and moral expectations to be attended. While psychological treatments focus on the dysfunction of an individual, restorative programs ... attempt to rehabilitate personal and communal relations and bring about social inclusion.*

This article emphasises further the importance of considering restorative justice as a part of the redress scheme. It is true that this model of rehabilitation is in its infancy (compared to that of the psychological model), but, on the other hand, there is an increasing recognition that restorative justice as a sociological approach to remediation has much to offer to both victims and offenders. (Since writing the above article, I have had contact with a leading criminologist in Western Australia and we are now working on a research proposal to extend the delivery of the *Sycamore Tree Project* in the context of prisons. I am also, now, a voluntary co-facilitator of STP programs in the Bunbury Regional Prison.)

As implied above, restorative justice programs should also be extended to institutional representatives, as exemplified by senior clergy who have compounded child sexual abuse. In the Church, the human condition is ordered to the community and hierarchy, and these managers and leaders, in order to maintain and protect that structure, have often aggravated the crime by moving offenders onto fresh fields where the abuse continued. These measures were further enabled by maltreating victims. Senior clergy, as secondary abusers, often "put down", ridiculed, admonished or ostracised victims in their attempt to deny claims of clerical child abuse. I contend that both senior clergy and victims would benefit from involving themselves in restorative

processes, with the former profiting from transparent assessments of their destructive management and leadership patterns and opportunities to consider within these meetings alternative and appropriate ones. The latter, on the other hand, could experience growth in personhood from challenging via their moral narratives those who magnified their trauma.

I urge the Royal Commission to consider a redress scheme that takes into account not just the psychological approach to child sexual abuse, but one that includes the sociological, also known as the relational. This crime does not result simply in the wounding of the individual. It also fragments a multitude of bonds that ordinarily hold families, friends, communities and societies together. The Royal Commission has been instrumental in exposing the scope and devastation of this crime. It is now faced with the question of how to attend the magnitude of these public revelations. One response is that of restorative justice which is well placed to identify and address harms, needs and obligations required for healing relationships and religious and social connections.

Yours sincerely

Dr. Jane Anderson

1. Anderson, J. 2013, "Restorative justice beyond the Royal Commission", *Eureka Street*, Available: <<http://www.eurekastreet.com.au/article.aspx?aeid=38616#.Urj2J7Sn5j8>>.
2. This work is now being peer reviewed by Routledge, a leading academic publisher. The book is titled, *Informed Faith: Reconciling Religious Conviction and Reason in Innovative Catholicism*.
3. With regard this special edition; there is an eighteen month delay in the publication schedule. I have since submitted the article to the *Journal of Child Sexual Abuse* in anticipation of a more immediate publication.

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<sup>[1]</sup> Anderson, J. 2013, "Restorative justice beyond the Royal Commission", *Eureka Street*, Available: <<http://www.eurekastreet.com.au/article.aspx?aeid=38616#.Urj2J7Sn5j8>>.

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